

**REMARKS**

Claims 1-31 and 33-49 were pending. Claims 1-31, 33-42 and 45-49 were examined as part of the invention of Group I. Claims 43 and 44 were withdrawn pursuant to a previous Restriction Requirement of August 25, 2003 ("The First Restriction Requirement"), which was traversed.

A second Restriction Requirement was issued on July 28, 2005 ("Second Restriction Requirement"), and was also traversed.

The Second Restriction Requirement has now been mooted by a third Restriction Requirement ("Third Restriction Requirement") in the present *Office Action*, which requires restriction to one of the following 10 Groups:

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| Group I   | Claims 1-31 and 33-49, drawn to a product, method of making the product, and uses of the product wherein the metal support surface is selected from the group consisting of gold, silver and copper; the complex forming metals are selected from the group consisting of transition, lanthanide and actinide metals; the targeting moiety is a peptide; and the disease is an oncological disease (cancer). |
| Group II  | Claims 1-21, 24-31, 33-42 and 45-49 (in-part), drawn to product, methods of making the product, and uses of a product wherein the metal support is gold; the ligand is $NxS4-x$ wherein $x = 0$ ; targeting moiety is SEQ ID No. 1; the disease is an oncological disease; and the disease is assessed by nuclear magnetic resonance imaging.  |
| Group III | Claims 1-15, 17-21, 24-31, 33-42 and 45-49 (in-part), drawn to a product, methods of making the product, and uses of a product wherein the metal support is silver; the ligand is $NxS4-x$ wherein $x = 1$ ; targeting moiety is SEQ ID No. 2; the disease is a neurological disease; and the disease is assessed by nuclear magnetic resonance imaging.   |
| Group IV  | Claims 1-15, 17-21, 24-31, 33-42 and 45-49 (in-part), drawn to product, methods of making the product, and uses of a product wherein the metal support is copper; the ligand is $NxS4-x$ wherein $x = 2$ ; targeting moiety is SEQ ID No. 3; the disease is an   |

inflammatory disease; and the disease is assessed by single photon emission computed tomography.

- Group V      Claims 1-15, 17-31, 33-42 and 45-49 (in-part), drawn to product, methods of making the product, and uses of a product wherein the metal support is Tc; the ligand is  $NxS4-x$  wherein  $x = 3$ ; targeting moiety is bombesin 7-14; the disease is an infection; and the disease is assessed by ultrafast x-ray computed tomography.
- Group VI      Claims 1-15, 17-31, 33-42 and 45-49 (in-part), drawn to product, methods of making the product, and uses of a product wherein the metal support is Re; the ligand is  $NxS4-x$  wherein  $x = 0$ ; targeting moiety is a dopamine receptor; the disease is an oncological disease; and the disease is assessed by positron emission tomography.
- Group VII      Claims 1-15, 17-21, 24-31, 33-42 and 45-49 (in-part), drawn to product, methods of making the product, and uses of a product wherein the metal support is Mn; the ligand is  $NxS4-x$  wherein  $x = 1$ ; targeting moiety is a serotonin receptor; the disease is a neurological disease; and the disease is assessed by digital subtraction angiography.
- Group VIII      Claims 1-15, 17-21, 24-31, 33-42 and 45-49 (in-part), drawn to product, methods of making the product, and uses of a product wherein the metal support is Fe; the ligand is  $NxS4-x$  wherein  $x = 2$ ; targeting moiety is a nicotinic receptor; the disease is an inflammatory disease; and the disease is assessed by positron emission tomography.
- Group IX      Claims 1-15, 17-21, 24-31, 33-42 and 45-49 (in-part), drawn to product, methods of making the product, and uses of a product wherein the metal support is Ni; the ligand is  $NxS4-x$  wherein  $x = 3$ ; targeting moiety is a GABA receptor; the disease is an infection; and the disease is assessed by single photon emission computed tomography.
- Group X      Claims 43 and 44, drawn to products, a method of preparation of a support surface for manufacturing a complex forming metal labeling agent.

Applicants hereby elect, with traverse, Group I, claims 1-31 and 33-49, drawn to a product, methods of making the product, and uses of a product wherein the metal surface is

selected from the group consisting of gold, silver and copper; the complex forming metals are selected from the group consisting of transition, lanthanide and actinide metals; the targeting moiety is a peptide; and the disease is an oncological disease.

Applicants further elect the species wherein the peptide is SEQ ID NO: 1, and wherein the disease is assessed by scintigraphy. Claims 1-31, 33 and 35-49 read on the elected species.

Applicants respectfully submit that given the present group and species election, unity of invention exists, and a search of the subject matter of the present invention will not impose an undue burden on the Examiner. Applicants also respectfully disagree with the statement in Item 4 of the *Office Action* that, “[t]he groups of inventions contain a metal support which does not define a contribution over the prior art.” (*Office Action*, p. 5). The claimed invention, which includes a metal support, does define a contribution over the prior art. This conclusion can be easily confirmed by a search of the relevant art.

In light of the present remarks, Applicants respectfully submit that the present claims are in condition for allowance, early notice of which is earnestly sought. If any outstanding issues remain, the Examiner is invited to telephone Applicants’ undersigned attorneys at her convenience at the number provided below.

No fees are believed to be required for the filing of this *Response to Office Action*.

However, the Director is hereby authorized to charge any required fees, and credit any overpayments, to Deposit Account No. 50-0540.

Respectfully submitted,

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